

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-36 and 49-81 are pending. Claims 37-48 and 82-92 have been canceled without prejudice or disclaimer. Claims 1, 4, 9-11, 13, 21-23, 25-36, 49, 60, and 71-81 have been amended to better clarify the invention without the introduction of any new matter.

The outstanding Action presented a rejection of Claims 25-48 and 71-92 under 35 U.S.C. §101 and a rejection of Claims 1-92 under 35 U.S.C. §102(b) as being anticipated by Harada et al. (U.S. Patent No. 5,721,583, Harada).

It is first of all noted that the cancellation of Claims 37-48 and 82-92 render the rejections thereof under 35 U.S.C. §101 and 35 U.S.C. §102(b) moot.

Turning to the rejection of Claims 25-36 and 71-81 under 35 U.S.C. §101, these claims have all been amended to clarify that the "processor readable medium" is a --processor readable tangible medium--. Thus, Claims 25-36 and 71-81 are all clearly directed to functional descriptive material stored on a tangible medium that is processor readable. MPEP §2106.01 states that:

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, **"functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component.** (Emphasis added).

MPEP § 2106.01 continues by stating that:

Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. **When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.** Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)(discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on a computer readable medium that increases computer efficiency) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d

at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). (Emphasis added).

Accordingly, withdrawal of this 101 rejection of Claims 25-36 and 71-81 is respectfully submitted to be clearly in order as it fails to follow either the guidelines of MPEP § 2106.01 or the case law cited therein.

The rejection of pending Claims 1-36 and 49-81 as being anticipated by Harada is traversed. Page 4 of the outstanding Action suggests that the authentication information acquisition request receiving means of independent Claim 1, and the similar steps of independent Claims 13 and 25, can be reasonably read on the disclosure at col. 23, lines 63-65 and col. 27, lines 5-10 of Harada.

Col. 23, lines 63-65, of Harada describes terminal apparatus 306 of Fig. 18A that receives a service request from remote control apparatus 301. Col. 27, lines 5-10 simply explains that the method of inputting user-specifying information is different from the method inputting service request data, apparently being input from the remote control apparatus 301 as noted at col. 23, lines 63-65 in terms of providing service request data to terminal apparatus 306.

The outstanding Action suggests that the transmitter section 202 in the remote control apparatus of Fig. 17 that transmits to the terminal apparatus (306), as described at col. 24, lines 44-48 teaches the Claim 1 means for transmitting the authentication information. However, amended Claim 1 (and similarly amended Claims 13 and 25) require this transmission to be back to "said first client apparatus." The remote control transmits to the terminal apparatus, not to itself. Similar steps appear in Claims 13 and 25.

Moreover, these independent claims all further clarify that there is a "second client apparatus" different from the first client apparatus that sent the "authentication information request" and that it is this "second client apparatus" that sends the "start request for

requesting a start of the session,” not the first client apparatus to which the authentication information was transmitted.

Clearly, no such “second client apparatus different from said first client apparatus” is taught at col. 27, lines 38-40 and/or col. 28, lines 5-24 of Harada that are only concerned with the identity of the user that is using the same remote control, not a different one.

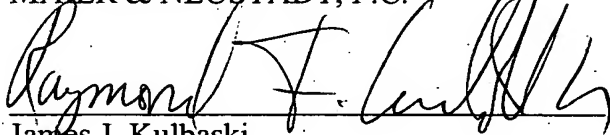
Page 7 of the outstanding Action presents a similar analysis to the above-noted analysis for Claims 1, 13, and 25, for independent Claims 60 and 71. These claims have also been clarified as to the requirement for a “second client different apparatus from the first client apparatus.” Accordingly, these independent claims also clearly cannot be said to be anticipated by Harada.

Just as independent Claims 1, 13, 25, 60, and 71 cannot be said to be anticipated by Harada, neither can Claims 2-12, 14-24, 26-36, 49-59, 61-69, and 72-81 that depend from respective ones of these independent claims.

As no further issues are believed to remain outstanding in the present application, it is believed that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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